

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CLARENCE SCOTT,

Plaintiff,

Case No. 10-10374

v.

Hon. John Corbett O'Meara

NCO PORTFOLIO MANAGEMENT,

Defendant.

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**ORDER OF PARTIAL DISMISSAL**

On January 27, 2010, Plaintiff filed a two-count complaint alleging violations of the Fair Debt Collection Practices Act (Count I) and the Michigan Occupational Code (Count II).

Plaintiff does not allege that diversity jurisdiction exists. Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present a claim based on state law.

This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Count II of Plaintiff's complaint is DISMISSED.

s/John Corbett O'Meara  
United States District Judge

Date: February 10, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 10, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz

Case Manager